

Applic. No. 19/067,175
Amdt. dated March 7, 2005
Reply to Office action of December 9, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-6 remain in the application. Claim 5 has been withdrawn.

In item 4 on page 2 of the above-identified Office action, the Examiner has asked for affirmation of the provisional election with traverse made by Gregory Mayback, Reg. #40,719 on 12/7/2004 to prosecute the invention of group I, claims 1-4 and 6. Applicants herewith affirm the election with traverse to group I, claims 1-4 and 6.

In item 8 on page 4 of the Office action, claims 1-4 and 6 have been rejected as being obvious over Bryant (U.S. Patent No. 6,091,132) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

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Claim 1 calls for, *inter alia*:

the antifrictional layer being formed from a combination of materials selected from the group consisting of fats, oils, surfactants, and waxes.

The Bryant reference discloses a layer sequence of a lower silicon oxide layer (26), a medium silicon nitride layer (28), and an upper silicon carbide layer (30) which are disposed on a circuit (16). The silicon carbide layer (30) is intended to increase the durability and to mechanically strengthen the passivation (24) (column 4, lines 66-67). Bryant discloses that silicon carbide is characterized as being very scratch resistant due to its coefficient of hardness (column 5, lines 19-20).

Applicants disagree with the Examiner's comments that it was obvious for a person of ordinary skill in the art at the time of the invention to use silicon carbide as the surfactant. As will be shown from the comments provided below, silicon carbide is not a surfactant.

Applicants agree that silicon carbide is an extremely hard insoluble crystalline substance produced by heating carbon

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with sand at a high temperature and which can be used as an abrasive and refractory material. Contrary thereto, a surface-active agent or surfactant, is a substance such as a detergent that can reduce the surface tension of a liquid and allow it to foam or penetrate solids. A surfactant is a wetting agent. Therefore, the silicon carbide layer of Bryant is not a surfactant.

Furthermore, applicants do not believe that there is any connection between Bryant and the present invention as claimed. The surface coating of the instant application is an antifrictional layer, which accordingly prevents scratches and mechanical abrasion by reducing frictional forces, which has nothing to do with a surface having an extreme hardness, as for example silicon carbide. The material recited in claim 1 of the instant application for the antifrictional layer includes fats, oils, and waxes, which certainly are not materials that are characterized by hardness or mechanical strength. Accordingly, it is apparent that the antifrictional layer of the instant application is very different in purpose and effect than the silicon carbide layer disclosed in Bryant, which relies on a hard material to prevent mechanical damage to the device.

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The reference does not show or suggest the antifrictional layer being formed from a combination of materials selected from the group consisting of fats, oils, surfactants, and waxes, as recited in claim 1 of the instant application.

The Bryant reference discloses a silicon carbide layer for increasing the durability of a sensor based on its scratch resistance due to its coefficient of hardness. As can be seen from the comments provided above, silicon carbide is not a surfactant and thus, Bryant does not disclose a surfactant. This is contrary to the invention of the instant application as claimed, which recites that the antifrictional layer is formed from a combination of materials selected from the group consisting of fats, oils, surfactants, and waxes.

The reference applied by the Examiner does not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

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Furthermore, Bryant discloses that the essential property of the uppermost passivation layer of a fingertip sensor, is its extreme hardness. Bryant does not show or suggest that the reduction of friction is important in achieving a good passivation and protection. Therefore, a person of ordinary skill in the art is not provided with any motivation to alter the silicon carbide layer to provide the component as claimed in the instant application.

Since claim 1 is believed to be allowable over Bryant, dependent claims 2-4 and 6 are believed to be allowable over Bryant as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4 and 6 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



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